

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 2267.1208WOUS

Briant Enoch BENSON

Confirmation No.: 9760

Application No.: 10/566,847

Examiner: Laura Cole Guidotti

Patent No. 7,984,526

Issued: July 26, 2011

Filed: August 16, 2006

Group Art Unit: 3727

For: METHODS AND MATERIALS FOR MAKING A MONOLITHIC POROUS PAD  
CAST ONTO A ROTATABLE BASE

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PATENT TERM ADJUSTMENT LETTER OF CANDOR AND GOOD FAITH

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The attention of the Office is directed to the Patent Term Adjustment reported by the Office for the instant case. The reported PTA of 850 days is thought by Applicant to be at least 41 days longer than appropriate, due to Applicant's term not being reduced for the Supplemental Information Disclosure Statement submitted on August 3, 2010, and also due to the USPTO's treatment of Applicant's submission of a July 6, 2009 Amendment following an Office Action dated March 6, 2009.

Because Applicant's August 3, 2010 Supplemental Information Disclosure Statement submission was filed after Applicant's June 21, 2010 RCE/Amendment, it should be considered a Supplemental Reply and the Applicant should have been debited 43 days of PTA. This is not indicated on the USPTO's PTA calculation found on PAIR.

In addition, it appears that the Applicant may be entitled to 2 fewer days of PTA debit (that translate into 2 more days of PTA credit in this case) under this holding because the due date of the response to the March 6, 2009 Office Action falls on a Saturday (June 6, 2009) and that the following day (June 7, 2010) is a Sunday. Under the ArQule rule, Applicants should have been debited 2 few days for their July 6, 2009 submission (specifically, 28 days rather than the 30 days listed in PAIR). Accordingly, Applicants should be entitled to 2 more days of PTA under this rule. Note that the ArQule decision remains susceptible to appeal in Federal Court at this point and there are some questions about whether petitions regarding this discrepancy will be considered timely.

Therefore, in total (i.e.  $43 - 2 = 41$ ), Applicants should have been awarded 41 less days of PTA than the total awarded on the face of the patent due to the three discrepancies discussed above.

Accordingly, Applicant seeks to make the Office aware of this potential PTA discrepancy in accordance with obligations of candor and good faith and request this letter be made record.

Respectfully submitted,



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